

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS (PIOGLITAZONE)

MDL NO. 6:11-md-02299

This document applies to:

JUDGE DOHERTY

Civil Action No. 6:12-cv-00741

MAGISTRATE JUDGE HANNA

REPORT AND RECOMMENDATION

Sterling Jordan (the plaintiff in Civil Action No. 6:12-cv-00741) is currently unrepresented. He was ordered to appear in court on March 16, 2016, and he did appear. At that time, Mr. Jordan advised that he does not have bladder cancer, and he agreed to dismiss his claims.

When no stipulation of dismissal was filed, he was ordered (Rec. Doc. 245 in Civil Action No. 12-cv-00741) to either file a stipulation of dismissal in the suit record not later than May 24, 2016 or personally appear in court on that day. Notice was sent to Mr. Jordan at his last known address by certified mail, return receipt requested. (Rec. Doc. 247 in Civil Action No. 12-cv-00741). There is no evidence in the file indicating whether Mr. Jordan received the notice. However, that is the same address to which notification of the March hearing was previously sent to Mr. Jordan. Accordingly,

IT IS RECOMMENDED that the claims asserted by Mr. Jordan be dismissed due to his failure to comply with the court's orders.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with of a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in the report and recommendation within fourteen days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the district court, except upon grounds of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Signed at Lafayette, Louisiana, on this 15th day of June 2016.

A handwritten signature in black ink, appearing to read 'P. J. Hanna', is written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE